IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

FRIDAY THE TWENTIETH DAY OF AUGUST TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE MR.JUSTICE: **C.Y.SOMAYAJULU**

CRIMINAL PETITION No.2975 of 2004

Between:

B.Venkateshwarlu.

Petitioner

(Accused in Cr.No.198/2004 of Afzalgunj P.S., Hyderabad)

AND

1. The State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of A.P., Hyderabad.
2. M/s. Bhageriya Financial and Capital Services Ltd., D.No. 1-8-724/1, Old Nallakunta, Hyderabad, rep. by its Authorized Signatory Mr. Omprakash Bhageria, S/o. Late Mohanlal Bhageria.
3. Sri K.Venkatesh, S/o. Not known to the petitioner, R/o. H.No. 16-1-139/1, Poosala Basthi, Abbustar Beside lane, (cable), Saidabad, Hyderabad.

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Respondents/

Complainants

Petition under Section 482 of Crl.P.C. praying that in the circumstances stated therewith, the High Court will be pleased to quash the FIR in Cr.No. 198 of 2004 of Afzalgunj Police Station, Hyderabad on the file of the IV Metropolitan Magistrate, Hyderabad.

The Petition coming on for hearing upon perusing the petition and Grounds filed herein, and upon hearing the arguments of Mr. A.Ramakrishna Reddy, Advocate for the Petitioner and of the Public Prosecutor on behalf of the Respondent No.1.

The Court made the following **ORDER:**

" After hearing the contentions of the learned counsel for the petitioner, learned counsel for the second respondent and the learned Additional Public Prosecutor, I find no grounds to quash the FIR in Crime No.378 of 2004 of Afzalgunj Police Station, Hyderabad, because this Court while acting under Section 482 of Cr.P.C. cannot take into consideration the documents relied on by the accused and should go by the allegations made in the complaint and the documents relied on by the prosecution, as held by the Supreme Court in STATE OF MADHYA PRADESH v. AVADH KISHORE GUPTA 2003 AIR SCW 6501.

Hence, the Criminal Petition is dismissed. However, the petitioner shall surrender before the SHO, Afzulgunj Police Station, Hyderabad, in crime No. 378 of 2004, within a period of one week from today, and on such surrender, he shall be enlarged on bail on his executing a bond for Rs. 15,000/- (Rupees fifteen thousand only), with two sureties in a like sum each, to the satisfaction of the SHO, Afzulgunj Police Station, Hyderabad, and should make himself available for interrogation by the police, as and when required, in the said crime."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The IV Metropolitan Magistrate, Hyderabad.

2. The SHO, Afzalgunj Police Station, Hyderabad.
3. Mr. Omprakash Bhageria, S/o. Late Mohanlal Bhageria, Authorized Signatory, M/s. Bhageriya Financial and Capital Services Ltd., D.No. 1-8-724/1, Old Nallakunta, Hyderabad.
4. Sri K.Venkatesh, S/o. Not known to the petitioner, R/o. H.No. 16-1-139/1, Poosala Basthi, Abbustar Beside lane, (cable), Saidabad, Hyderabad.
5. Two CCs to the Public Prosecutor, High Court of A.P.Hyd(OUT)
6. One CC to Mr. A.Ramakrishna Reddy, Advocate (OPUC)
7. One spare copy.

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